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13 Attorneys for Plaintiff Karen Trinh, DDS, Inc.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAREN TRINH, DDS, INC., a California
Corporation,

Plaintiff,

vs.

STATE FARM GENERAL INSURANCE
COMPANY, an Illinois Corporation doing
business in California; AND DOES 1 TO 50,
INCLUSIVE.

Defendants.

Case No.: 5:20-cv-04265-BLF

**STIPULATION TO PERMIT AMENDING
OF COMPLAINT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
15(A)(2) AND REQUEST FOR ORDER
CHANGING TIME AND ORDER
PURSUANT TO CIVIL L. R. 6-2**

Hearing Date: Nov. 12, 2020

Time: 9:00 A.M.

Judge: Hon. Beth Labson Freeman

Pursuant to Rule 15(a)(2), the parties stipulate to permitting Plaintiff Karen Trinh, DDS, Inc. ("Plaintiff") to amend the First Amended Complaint currently on record by no later than

1 August 24th, 2020 and to denominate said amendment as the "Second Amended Complaint."¹
2 Pursuant to Civil L.R. 6-2, Plaintiff and Defendant State Farm General Insurance Company
3 ("State Farm") hereby further stipulate and jointly request that the Court enter an Order
4 permitting a modestly modified briefing schedule for State Farm's response, which does not
5 change the Opposition Brief deadline, Reply Brief deadline, or Hearing Date already
6 ordered by the Court.

7 As such, the parties hereby stipulate and agree as follows:

8 WHEREAS, State Farm filed a Notice of Removal to the Northern District of California
9 on June 26, 2020 (ECF Docket No.1);

10 WHEREAS, State Farm's motion to dismiss was filed and re-noticed with briefing
11 schedule approved by the court as follows: Plaintiff's Opposition brief due by September 21st,
12 2020, and State Farm's Reply Brief due no later than October 13th, 2020, and hearing set for
13 November 12, 2020 (ECF Docket No. 18 and No. 21).

14 WHEREAS, on August 12, 2020, the Parties agreed and stipulated to request the Court
15 to allow State Farm to amend its motion to dismiss in order to comply with Local Rules and
16 the Standing Order of the Court, as well as to update the brief with recent related case
17 developments in other jurisdictions. (ECF Docket No. 22 and No. 23)

18 WHEREAS, on August 14, 2020, Plaintiff notified State Farm that due to additional
19 publicly available evidence regarding the spread and transmission of COVID-19 and due to
20 recent opinions issued by other federal courts just in the last week, Plaintiff would like to
21 amend the FAC (the first time such an amendment is being filed in the federal court) and

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25 ¹ Plaintiff had amended its complaint as a matter of right in the State Court. This would be the
26 first time Plaintiff seeks to amend the complaint in Federal Court, and the first time Plaintiff
27 would be specifically drafting the complaint to comply with Federal Court pleading standards.

1 Plaintiff further agrees that any further amendment would be only with leave of Court for
 2 good cause;

3 WHEREAS, the interests of justice and judicial efficiency will be furthered by allowing
 4 an extended briefing schedule following the stipulation to amend the FAC, especially in light
 5 of allowing the Parties to (1) incorporate recent case developments that are favorable to their
 6 respective sides, and (2) incorporate recent factual developments surrounding COVID-19 that
 7 will significantly impact the pleading of loss or damage caused by COVID-19 and how these
 8 issues will be argued in the 12(b)(6) motion briefing;

9 NOW, THEREFORE, the Parties, by and through their respective undersigned counsel,
 10 hereby stipulate to the following schedule for amending the FAC and responsive pleading
 11 briefing thereafter:

BRIEFING DEADLINE	CURRENT DEADLINE	PROPOSED STIPULATED DUE DATE
Plaintiff's Second Amended Complaint ("SAC")	N/A	August 24, 2020
Defendant's Response to SAC	N/A	September 5th, 2020
Plaintiff's Opposition Brief	September 21st, 2020	September 21st, 2020
Defendant's Reply Brief	October 13th, 2020	October 13th, 2020
Motion Hearing Date	November 12th, 2020	November 12th, 2020

20 The reasons for the request are set forth in the attached Declaration of Michael
 21 Indrajana.

22 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that all
 23 signatories have concurred in its filing.

1 DATED: August 19, 2020

PACIFIC LAW PARTNERS, LLP

2 By: /s/ Sandra E. Stone
3 Sandra E. Stone

4 *Counsel for Defendant,*
5 STATE FARM GENERAL INSURANCE COMPANY

6 DATED: August 19, 2020

7 SANJIV N. SINGH, A PROFESSIONAL LAW
8 CORPORATION

9 By: /s/ Sanjiv N. Singh
10 Sanjiv N. Singh

11 INDRAJANA LAW GROUP, A PROFESSIONAL
12 LAW CORPORATION

13 By: /s/ Michael B. Indrajana
14 Michael B. Indrajana

15 *Counsel for Plaintiff, KAREN TRINH, DDS., INC.*

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28 STIPULATION TO PERMIT AMENDING OF COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 15(A)(2) AND REQUEST FOR ORDER CHANGING TIME AND ORDER PURSUANT TO CIVIL L.
R. 6-2
CASE NO.: 5:20-CV-04265-BLF

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: August 20, 2020

Benjamin Freeman

The Honorable Beth Labson Freeman
United States District Judge